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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
5863USC3

First named inventor: Abbruzzese, et al

Application No.: 10/784,451

Art Unit: 1625

Filed: February 23, 2004

Examiner: Chang, Celia C.

Title: Composition for the Prevention and Treatment of Cachexia and Anorexia

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m)) authorization to charge fee to
Deposit Account No. 01-0025

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response, Terminal Disclaimer and Associate Power of Atty (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

06/20/2006 NGUYEN1 00000104 010025 10704451

B. The issue fee and publication fee (if applicable) of \$ 01 FC:1453 1500.00 DA

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

William J. Winter
Signature

June 15, 2006

Date

William J. Winter

Typed or printed name

36,060

Registration Number, if applicable

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Address

Enclosures: ☒ Fee Payment (Authorization to charge fees to Deposit Acct. 01-0025)☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Associate POA, Terminal Disclaimer with Response**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.June 15, 2006

Date

Wendy Detwiler
Signature

Wendy Detwiler

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abbruzzese, et al.	Examiner: Chang, Celia C
Application No.: 10/784,451	Art Unit: 1625
Filed: February 23, 2004	Docket No.: 5863USC3
Title: Composition for the Prevention and Treatment of Cachexia and Anorexia	I certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to the Commissioner for Patents, Alexandria, VA 22313-1450 on the date shown below.
	<u>Wendy Detwiler</u> 6-15-06 Wendy Detwiler Date

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE

Dear Sir:

In response to the March 3, 2006 Notice of Abandonment concerning the above referenced application, enclosed is a Petition to Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b).

If any fees are owed or credits due in this case, including the \$1500 petition fee under 37 CFR 1.17(m), please charge that fee or apply that credit to Deposit Account No. 01-0025.

Respectfully submitted,

By William J. Winter
William J. Winter
Attorney for Applicants
Registration No. 36,060

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